

Mr. Michael D. Harris
Acting Environmental Compliance Manager
New Castle County Department of Special Services
87 Reads Way
New Castle, DE 19720

Re: NPDES No. DE0050547
Public Notice Number DE-285-JML

Dear Mr. Harris:

Enclosed is a copy of the Public Notice detailing the Environmental Protection Agency's (EPA) intention to approve modifications to your pretreatment program, including local limits and legal authority, in accordance with Section 403.11 of the General Pretreatment Regulations. Also enclosed is a listing of the specific documents to be included in the public notice. If you disagree with any of the listings, or if any documents have been omitted, please let me know as soon as possible. After completion of the 30-day comment period, you will be notified of EPA's decision to approve or disapprove these modifications.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me at 215-814-5790.

Sincerely,

John Lovell
Pretreatment Coordinator

Enclosures

cc: Peder Hansen, DE DNREC (w/enclosures)

Documents Included in Pretreatment Program Modification Approval
Public Notice Number DE-285-JML

- New Castle County Substitute Ordinance No. 1 to Ordinance No. 04-171 adopted 12/29/04
- Revised local limits including:
 - ✓ “Pollutant Effluent Limitations” submitted October 1, 1997
 - ✓ Revisions to Local Limits submitted November 25, 1998
 - ✓ Addendum to Local Limits Submission dated December 29, 1998
 - ✓ Response to Comments on Local Limits Submission dated April 20, 2000
 - ✓ Response to Comments on Local Limits Submission dated January 8, 2001
 - ✓ Response to Comments on Local Limits Submission dated June 20, 2001
 - ✓ Response to Comments on Local Limits Submission dated February 8, 2002
 - ✓ Response to Comments on Local Limits Submission dated May 21, 2002

PUBLIC NOTICE

Environmental Protection Agency Region III
Office of Municipal Assistance (3WP24)
1650 Arch Street
Philadelphia, PA 19103-2029

Public Notice Number: DE-285-JML
Public Notice Date:

The following Publicly Owned Treatment Works (POTW), has requested approval of modifications to its approved pretreatment program:

Name and Address of Applicant (Permittee)
New Castle County Department of Special Services
87 Reads Way
New Castle, DE 19720

NPDES Permit Number: DE0050547
Receiving Stream: Appoquinimink River

Procedures for Final Determination

The Environmental Protection Agency, Region III, is issuing the following notice of proposed action under the Clean Water Act, as amended, and implementing regulations.

The permittee has requested approval of modifications to a POTW pretreatment program in accordance with the requirements of 40 CFR 403.18 and the request is being public noticed by the EPA in accordance with 40 CFR 403.11. The modifications to the permittee's pretreatment program include local limits and legal authority.

The program modifications submission is available for inspection and copying at the Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Further information may be obtained by writing to the above address or by calling John Lovell at 215-814-5790.

Persons wishing to submit comments or object to the EPA approval of the above POTW pretreatment program modifications, or to request a public hearing pursuant to the Federal Water Pollution Control Act, must submit their comments or request in writing within thirty (30) days of the date of this notice to the above EPA address. If no comments to this notice are received, the proposed pretreatment program modifications referenced above will be approved without changes and without further public notice. In such event, this notice shall constitute the "notice of approval or disapproval" required by 403.11(e) and no additional notice shall be provided. Anyone who wishes to be given a notice of approval or disapproval of the modifications should send a request for such notice to the above EPA address.

Mr. Michael D. Harris
Acting Environmental Compliance Manager
New Castle County Department of Special Services
87 Reads Way
New Castle, DE 19720

Re: NPDES No. DE0050547
Public Notice Number DE-285-JML

Dear Mr. Harris:

I am pleased to approve the modifications to the local limits and legal authority of the New Castle County pretreatment program in accordance with the General Pretreatment Regulations (40 C.F.R. 403). The intention to approve this modification was announced to the public on March 28, 2005 and no comments were received. A listing of the documents included in this approval is attached.

The Environmental Protection Agency's General Pretreatment Regulations describe the local pretreatment responsibilities based on the Clean Water Act. The pretreatment program that New Castle County implements must be consistent with these regulations and your approved program.

If this Agency can be of any assistance to you in administering this program, please contact John Lovell at 215-814-5790.

Sincerely,

Victoria P. Binetti
Associate Director for
Municipal Assistance
Water Protection Division

Enclosure

cc: Peder Hansen, DE DNREC (w/enclosure)

Local Limits Revision Approval Checklist

1. Facility Name	New Castle County, DE
2. Permit No.	DE0050547
3. Actual Facility Flow	0.5 mgd
4. Date of Submission	Original submission 10/1/97; with revisions 11/25/98, 12/29/98, 4/20/00, 1/8/01, 2/8/02, and 5/21/02
5. Date of Acceptance	6/7/02
6. Describe Modifications (up/down/pollutants)	<p>Less stringent - copper, lead, and nickel The new evaluation used actual monitoring data for calculation of removal rates and non-industrial loadings which resulted in higher allowable influent loadings, and therefore higher allowable local limits. In all three cases, the local limit proposed for adoption is significantly more stringent than the calculated limit (copper - 3.38 calculated, 1.0 proposed; lead - 19.4 calculated, 3.0 proposed; nickel - 3.78 calculated, 1.0 proposed)</p> <p>Dropped - aluminum, beryllium, cyanide, selenium, thallium Aluminum, beryllium, and thallium are not normally required to be evaluated and are not discharged above background levels by the industries in the service area. Since alum is added at the treatment plant, an industrial limit for aluminum is not appropriate. Cyanide and selenium are not generally detected in the influent to the POTW or at the industrial users, and therefore no limit is necessary to control the users.</p> <p>Added - phosphorus, TKN</p> <p>Other - PCBs changed from 0.0001 mg/l to no discharge.</p> <p>No Change - arsenic, cadmium, chromium (T), chromium (+6), mercury, silver, zinc, ammonia, phenolics, BOD, TSS</p>
7. What Arsenic WQ Standard was used?	0.05 mg/l
- If not 0.01 mg/l, would it impact analysis? How?	The local limit for arsenic is based on the human health criteria, so use of the more stringent criteria would result in a lower calculated limit. However, since the lower criteria is based on drinking water standards and there is no drinking water intake downstream, this does not appear to be an issue. Since the arsenic limit is not changing, this limit is not a part of this approval.
8 Reason for Modification	October 1997 submission was made in response to an audit

(Permit requirement, etc.)	recommendation; NPDES permit issued on 9/28/98 required revisions to the previous submission in accordance with EPA comments.
9. Receiving Stream	
- Name	Appoquinimink River (POTW uses spray irrigation when available and only discharges when spray irrigation is not possible).
- Designated Use	industrial and agricultural water supply, primary and secondary contact recreation, and maintenance of fish, aquatic life, and wildlife
- 303(d) list (Y/N)?	Y
☞ list pollutants	nutrients, D.O.
- TMDL planned/done?	Completed
☞ list pollutants	total phosphorus, total nitrogen, TKN, CBOD
- Drinking Water Intake Downstream? (Y/N)	N
10. Other Issues? (Enforcement actions, etc.)	POTW currently has no significant industrial users. Two categorical users that had been regulated under the program now discharge to the Town of Middletown POTW (no approved pretreatment program) and are regulated directly by EPA. Treatment plant is a lagoon system and does not routinely dispose of sludge until the system is dredged which is very infrequent.
11. Other Improvement Opportunities (e.g., Pollution prevention)	Review of monitoring data submitted with 2003 annual report suggested that more sensitive analytical methods should be used for cyanide, hexavalent chromium, and PCBs in order to better assess whether influent and effluent goals are achieved. Data also showed a one-time spike in influent and effluent zinc levels that exceeded the influent and effluent goals. The cause was not known, but is not believed to be related to industrial waste. No previous exceedances reported since routine monitoring for zinc began in calendar year 2000.